

BOARD NEWS



CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS

SEPTEMBER 1998

MEET THE BOARD MEMBERS

In this first issue of the Structural Pest Control Board's resurrected newsletter, it seems appropriate to introduce the Board members who work so diligently on behalf of consumers and licensees alike.

Carl J. Doucette, president, has served as an industry member for the Structural Pest Control Board since January 1992 and is currently serving his second term with the Board. He was reappointed by Governor Pete Wilson on June 18, 1996, and appointed president of the Board on October 3, 1997. During

his term with the Board, Mr. Doucette has served as president and vice president. He is the owner of Innovative Pest Management in El Segundo, a company he has operated since 1994. He is also a resident of El Segundo.

Prior to establishing Innovative Pest Management, Mr. Doucette was vice president and general manager for American City Pest Control from 1988 to 1994.

Mr. Doucette is a member of Pest Control Operators of California and served as president of that organization during 1987-1988. He was also named Pest Control Operators of California's Man of the Year in 1990.

Mr. Doucette was first licensed in 1978 as a field representative with the Structural Pest Control Board and in 1981 as an operator.

Glenn Hellyer, vice president, was first appointed to the Structural Pest Control Board as a public member on



Structural Pest Control Board, from left: Kenneth L. Trongo, Carl J. Doucette, Dell Yelverton, Glenn Hellyer, Kenneth M. Moore. Not pictured, Theodora Poloynis-Engen and Nicholas E. Papadakis.

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A Retrospective by Donna J. Kingwell

On September 1, 1995, I became the Executive Officer of the Structural Pest Control Board. That first day in the office was very interesting. It was the beginning of the Labor Day weekend, and the office was short staffed. I remember Karen Sanders met me at the front desk and showed me my office. The room was virtually empty except for a desk, filing cabinet, and telephone, but no computer. The only semblance of occupation was a small Rolodex,

which I was told the former Executive Officer had left behind.

Alone I began to unpack a few personal things. That took about five minutes. I then rearranged the desk and chair, sat down, and wondered what to do next. I decided to go through the Rolodex I had inherited. Every card had a name on it. Charlie Clark, Carl Doucette, Harvey Logan, Dennis Patzer, Nick Papadakis, Theodora Poloynis-Engen, John Van

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STRUCTURAL PEST CONTROL BOARD NEWS

Pete Wilson

*Governor
State of California*

Joanne Corday Kozberg

*Agency Secretary
State and Consumer Services Agency*

Ronald Joseph

*Acting Director
Department of Consumer Affairs*

Members, Structural Pest Control Board

Carl J. Doucette
President

Glenn Hellyer
Vice President

Theodora Poloynis-Engen

Nicholas E. Papadakis

Kenneth M. Moore

Kenneth L. Trongo

Dell Yelverton

Donna J. Kingwell
Executive Officer

Standing Committees

Disciplinary Review

Laws & Regulations

Research Advisory

Sunset Review /Strategic Planning

Technical Advisory

Select Committees

Bond & Insurance

Inspection Report

Report Filing

Termite Bait Station

(If you are interested in serving on one of these committees, please submit a request in writing to the President in care of the Board.)

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Board Prevails in "Ecola" Case

In April 1996, the Office of the Attorney General, on behalf of the Board, filed a civil complaint against Ecola Services, Inc. and co-owners John Jay Forster and Adrian Wayne Reynolds, alleging that the company made untrue or misleading statements about its pest control services.

Following a month-long trial (June 1998) in the Los Angeles Superior Court, Judge Arnold H. Gold found Ecola Services and its co-owners guilty of fraudulently misrepresenting the Electro-Gun treatment system for termite control in their advertisements.

Judge Gold issued a tentative decision and judgment in favor of the People that includes a permanent injunction prohibiting the defendants from engaging in fraudulent and deceptive advertising and civil penalties in the amount of \$100,000.


Misrepresentations made by Ecola Services in its advertising included statements that the Electro-Gun is registered with the Environmental Protection Agency (EPA) (the EPA does not register devices like the Electro-Gun), that it is approved by the Department of the Interior, and that it was tested by various federal organizations. Additionally, the company's "lifetime" warranty included a clause that allowed the company to increase the cost of future warranty extensions above the amount stated in the original warranty. Each of these representations can mislead consumers.

Ecola Services' advertising also claimed that the Electro-Gun was better or more effective than fumigation and that it could be used to treat an entire structure. Consumers who relied on these representations were misled as to the Electro-Gun's capabilities.

Additionally, Ecola Services' advertisements represented that chemicals would not be used with the Electro-Gun treatment. However, Ecola Services routinely used chemical pesticides in conjunction with the treatment. Consumers looking for a chemical-free treatment were misled by Ecola Services.

The judgment will require that defendants change their advertising and make additional disclosures to consumers regarding the types of pest control services they offer, including whether specific pest control methods will be used for treating the entire structure or local infestations.

Donna J. Kingwell, Executive Officer of the Board, stated, "The road to Judge Gold's decision has been long and difficult but very satisfying because the ultimate decision represents consumer interests. There is a very clear message in the final judgment and that is, 'Don't tell the consumer something which is not true. Don't suck the consumer in by promising one thing and doing something else.' If a pest control company chooses to ignore the message sent by this trial and the Court, the Board and the Office of the Attorney General will not hesitate to once again enter into a fight for the protection and rights of consumers."

The Board is currently awaiting the decision in another lawsuit which was filed against The Termite Inspector, Inc., for false or misleading advertising involving the use of microwaves for termite control. 



Meet the Board Members *(Continued from Page 1)*

December 1, 1996, by the Speaker of the Assembly. He was elected Vice President of the Board on October 3, 1997. Mr. Hellyer resides in Yorba Linda and is a real estate broker in Southern California.

Mr. Hellyer is also the state director for the California Association of Realtors and trustee and past chairman of California Real Estate Political Action Committee.

Theodora Poloynis-Engen, a public member, is currently serving her third term on the Board. To her best recollection, she was first appointed sometime in pre-history by the Senate Rules Committee.

Ms. Poloynis-Engen is a member of the California State Bar, has lectured nationally on issues confronting health care providers, and has participated in the drafting of legislation relating to the business of the practice of medicine, including providing expert witness testimony before the legislature on various related topics in medicine, Medi-Cal fraud, kickbacks, and psychotherapist/patient sex.

She claims she is retired from private practice, but if a case is intellectually intriguing, she has been observed representing physicians and other licensees before the Medical Board of California. She is an administrative lawyer who understands the words "fair hearing" and "due process under the law." She adheres to them by applying them to her work on the Board.

Ms. Poloynis-Engen is a classical musician and is currently trying to make a living writing. She says she's older than she looks, is married to Frederick L. Engen, and has one delightful and challenging 17-year-old daughter, Marina.

Nicholas E. Papadakis has served as a public member for the Board since 1994. He served as president from 1996 to 1997. On November 7,

1997, Mr. Papadakis was reappointed by Governor Pete Wilson to serve a second four-year term. He resides in Rancho Palos Verdes, where he has been the corporate secretary of Anchor Liquors Corporation since 1971.

Mr. Papadakis is the president of United Estates, Inc., a commercial real estate brokerage firm, a position he has held since 1980. He is also a member of the National and California Associations of Realtors. Mr. Papadakis has made a long list of contributions to community services in the Los Angeles area. He has also been appointed to several commissions by the mayor of Los Angeles.

Kenneth M. Moore was appointed to the Structural Pest Control Board on May 6, 1997, as an industry member. This appointment was made by Governor Pete Wilson. Mr. Moore is owner of Ken Moore Termite Control in Pacheco.

Mr. Moore is a member of Pest Control Operators of California and served as president during 1994-1995. He is also a member of the National Pest Control Association.

He was first licensed in 1963 as a field representative with the Structural Pest Control Board and received his operator license in 1976.


Kenneth L. Trongo was appointed to a four-year term as an industry member on November 7, 1997, by Governor Pete Wilson. Mr. Trongo resides in Woodland and is the president of CASA Control, Inc., a pest control company he has owned and operated since 1976. Mr. Trongo and his wife also own and operate two Century 21 Realtor Offices in Woodland and

Davis. He and his wife have been married since 1961 and have four children and four grandchildren. Their youngest son is active in their pest control company.

Mr. Trongo is a member of Pest Control Operators of California, Yolo County Board of Realtors, Woodland Chamber of Commerce, and the Sacramento Better Business Bureau. He is also a member and trustee of Elks Lodge #1299.

Mr. Trongo was first licensed in 1965 as a field representative with the Structural Pest Control Board and in 1968 as an operator.

Dell Yelverton was appointed to a four-year term as a public member to the Board on November 7, 1997, by Governor Pete Wilson. Ms. Yelverton resides in Whittier and has been a real estate broker for Prudential California Realty since 1983. From 1995 to 1996, she served as Governor Wilson's appointee to the California State Board of Landscape Architects.

Ms. Yelverton is a member of the National and California Associations of Realtors and the Pacific West Association of Realtors. She has been a licensed real estate agent since 1972 and a licensed broker since 1975. 

1998 Examination Calendar

September	21, 22, 23, 24
October	19, 20, 21, 22
November	18, 19, 20
December	16, 17, 18

Exams are conducted in Sacramento and San Bernardino. For more information call 916-263-2544.

A Retrospective (Continued from Page 1)

Hooser, Dr. Vernard Lewis, and more—all names that meant absolutely nothing to me.

Then, three-quarters of the way through under “S” was the name Senator Dan Boatwright . . . at last something I recognized, familiar turf, a little comfort. Then reality struck . . . all those names, none did I know, save for the one. Karen came into the office with my in-box and set it on the desk. I thanked her and proceeded to go through it. It was of little comfort. An article on termiticides—new soaps, perhaps? A letter concerning something called a Branch 3 license. A note from some guy named Harvey Logan doing an interview for P.C.O.C., whatever that was. There was a flyer on Vikane—a new nose spray? And finally there was a note concerning the next Board meeting to be held in October.

I slumped and thought, “What am I doing here?” The Board difficulty with Senator Boatwright I understood. It was easy, and I knew it could be fixed. But termiticides, Methyl Bromide, wood roof cleaning and treatment, stamps, notices of completion, wood-destroying pests and organisms? As I sat, there was no fear—only terror.

What a difference two-plus years can make. Senator Boatwright seems like a distant memory. Once an adversary, he now works for the Association’s lobbying firm. Dr. Lewis has taught me more about dry wood termites and the 17 species of subterraneans than I ever wanted to know. Charlie Clark and John Van Hooser taught me the history of the pest control industry in California. Dennis Patzer taught me about the relationship between the Board and DPR and instructed me from time to time in pesticides. I did learn what P.C.O.C. was, and I did do an interview for their magazine. Harvey Logan tried to

tell me the Board’s Enforcement program might be off the track, but I do like his choice in restaurants, fine art, and good cigars. Nick Papadakis, Theo Poloynis-Engen, and Carl Doucette taught me grace, patience, and humor . . . well, maybe a little grace.

About Vikane . . . it takes ten times more. And Methyl Bromide, too, is about to become the Chlor-dane of the 21st Century. Branches 1, 2, & 3 and their requirements just roll right off the tongue (as long as I have the Act in front of me). Everywhere I look in my home I think I see pellets, and under my deck I’m sure there must be fungus. The last ant I saw crawling in the kitchen convinced me that the Carpenter variety had arrived. When I spray the can of Raid and handle the Round-Up, I use gloves.


When I look back, I realize that the Board has achieved much. The Sunset Review process was survived, a Strategic Plan was put into place, a new imaging system became part of the landscape, and an Occupational Analysis has begun. Publishing a new Act, rewriting and designing new consumer brochures, and reinstating the newsletter have all been accomplished. A website is on-line. And there have been many, many more accomplishments.

When I first came to the Board I was given a book published by P.C.O.C. called “The First Fifty Years.” There were two stories that made an impression, the first by Larry Musgrove. Larry said, “The year was 1928 and the mansions overlooking the magnificent Santa Barbara Coast were infested with Argentine ants. My grandfather, Clarence Musgrove, started out in ant control . . . They made a living in ant control around the large estates, such as Hope Ranch. My grandfather would service them

with his wife. He had a Model T truck, crockery containers, and ant syrup—and that was it.” Another vignette from the book dealt with regulation. “The first conviction under the new Structural Pest Control Act came in March 1936, when R.W. Broadsman was sentenced to 30 days in jail and fined \$50 for operating in Pasadena without a termite control license.”

In retrospect, both stories are timeless. Seventy years later the Santa Barbara Coast is still “magnificent.” The Model T has only been replaced by sleeker and more colorful pickups. The crockery containers have been replaced by metal and plastic. And the Argentine ants are still with us. Relative to unlicensed activity, and after 62 years, the Board is still trying to track down those who choose to rip off the consumer and contribute to a lowering of standards for the industry.

That one lone Rolodex residing in my office and the feeling of terror felt on that September day in 1995 have been replaced by three Rolodexes, and a sense of achievement. The Rolodexes were easy for me to fill, but the sense of achievement came about only with the guidance and support of the Board members, the industry, and last, but certainly not least, each and every member of the Board staff.

In little more than a year we will enter the 21st Century. As we reinaugurate this newsletter, I look forward to more names in my Rolodex, to the new challenges brought on by a more educated and demanding consumer, and to a continually growing industry. Both industry and the Board have much to do. 

Of Myth and Magic

Donna J. Kingwell, Executive Officer

In my home hangs a painting of a very large white wolf perched on a large piece of granite. The wolf looms upon a granite precipice with glacial and snow-covered mountains in the background. When I first saw this painting, my reaction was how powerful and intimidating the wolf seemed to be. There seemed to be little forgiveness in the craggy landscape, as well as in the eyes of the wolf. In short, the context of the painting seemed forbidding. A short time later I had the opportunity to speak with the artist. I expressed my feelings to her. Her reaction was immediate. "On the contrary," the

artist said, "I see magic, but you see the myth."

On the average of once or twice a month, I receive a call from a licensee who has had a disagreement with one of the Board investigators. Sometimes the calls are angry. Sometimes the caller expresses concern over being singled out. And on occasion I'm told that investigators are "nuts," "paranoid," "overbearing," and "unfair." I listen and generally indicate to the caller that I will look into the matter. What I often find is what anyone else would find. There are two sides to every story. And each time I receive that call, I think back

to that painting hanging in my home. There is the myth, and then there is the magic.

Each year the Board receives approximately 1,200 to 1,400 consumer complaints that must be dealt with. In every instance a Consumer Service Representative (CSR) will review the complaint for merit. If the CSR determines that the complaint has merit, he or she will contact the company and ask it to look into the situation. Generally, it is only when the company fails to respond to the initial inquiry that the complaint is referred out to a

(Continued on Page 6)

SPCB STAFF RESTRUCTURED

Kelli Okuma has been promoted to Assistant Executive Officer, as part of the Board's senior staff restructuring. She will oversee the administration of the staff. As many of you know, Kelli has been with Structural Pest for many years and clearly understands the functions and needs of the Board. She is respected by staff and industry alike for her clarity, honesty, and fairness in dealing with day-to-day issues. In addition to the overall staff administration, Kelli will continue managing the preparation of all regulatory packages and monitoring of all legislation. She will also direct the Occupational Exam Analysis program. This year, in conjunction with the Department of Pesticide Regulation, she developed and carried out an enforcement training program for State-wide County Agricultural Commissioners. Kelli will also represent the Board at the Disciplinary Review Committee hearings.

Dennis Patzer will serve as the Board's Chief Enforcement Officer. As some of you may recall, Dennis at one time served as the Board's Deputy Registrar and then moved on to the Contractors State License Board. He resigned from that position to run his father's pest control business after his father's death. Dennis also directed pest control services for the Department of Corrections, leaving to become the Senior Pesticide Use Specialist for the Department of Pesticide Regulation. Dennis brings a wealth of experience to the Board, which is important in working with our Specialists and Consumer Services Representatives. Dennis' work with the Board over the past several years has shown him to be very fair in dealing with both the public and licensees.

Susan Saylor has been promoted to Senior Administrative Assistant. For the first time, we have someone who can effectively

work with both DCA and the Budget Committee in preparing and managing our budget. Susan's primary responsibility will be to oversee all the Board's budget activities. A self-starter, she is very qualified to take on any additional responsibilities that may be required. Susan has been responsible for developing the newsletter, revising the Pest Control Act, and developing a website. She also worked in conjunction with the Department of Consumer Affairs Communications and Education Division to develop the new consumer brochures.

With this restructuring, this Board now has a dynamic and effective team in place. Each of these individuals brings a wealth of knowledge, talent, and vision to help lead us into the 21st Century. Change is never easy, but with these changes we will enter a new and exciting era at the Structural Pest Control Board. 🍷

Of Myth and Magic (Continued from Page 5)

Board Investigator. Each investigator (the Board employs eight) handles approximately 80 cases per year, or 640 complaints annually. Of those, a total of about 40 are referred for disciplinary action. The myth is that all the investigators want to do is "get the company." The fact is that well over a thousand complaints a year are resolved through mediation—working with the company and the consumer to resolve the situation. The magic happens when this is accomplished. It is not always easy, but the investigators, on par, have found that through perseverance, company responsiveness, and consumer patience, almost any difficulty can be resolved. It is important to note that if a company responds at the CSR level (when it is first notified), then more times than not there is no need to involve a Board Investigator.


There are over 2,200 registered pest control companies in the state. Given the workload of the investigators, it would be impossible for an office records check to be done on every company during the course of a year. However, during the Sunset Review process the Board calculated that if every investigator could conduct two checks per week, that would equate to 800 companies per year, with every company being checked within two years. To date, it has not quite worked out as first thought. Again, the priority has always been to address consumer complaints first, and, as such, the anticipated schedule has not been viable. Steps are being taken to address this, and I think in the future you will notice one of our investigators appearing on your doorstep.

I often receive phone calls from various company owners/managers indicating that they feel they have been singled out or have been checked two or three times, when other companies have never been

checked by an investigator. The Board keeps records of every office records check, and when I review the file, I find that in most cases these companies have never had an office records check before or they may be on probation, a situation which could move that company into a higher priority. What I also find in talking with the licensee is that the office records checks done by the County Agricultural Commissioner and the Board Investigator sometimes blend together in their memories, leading to the impression that a company is overregulated or singled out. That is the myth. The point of an office records check is to ensure that the appropriate credentials are displayed and that records are being maintained in accordance with the Structural Pest Control Act. In most instances the Investigator will work with the licensee to ensure proper compliance. That is the magic. Offices that comply on a consistent basis may not see a Board Investigator for a long time. Companies that

repeatedly make the same mistakes may find an investigator calling more often.

It is important to recognize that to a certain degree there will always be an adversary relationship between the regulator and those who are regulated. But that does not allow either to treat the other disrespectfully. Nor does it mean that the consumer is always right or that the licensee cannot make honest mistakes. The myth is that the Board is "out to get the pest control licensee." The magic is that the Board wants to solve the problems with which it is confronted in a fair and equitable manner, a manner that benefits all.

The next time you meet someone from Enforcement, think of that painting which hangs in my home and try to see the magic and not the myth. 

(Our new Chief Enforcement Officer, Dennis Patzer, will be writing the next enforcement article.)

Disciplinary Review Committee Members Needed

The Structural Pest Control Board is seeking licensees who are interested in serving a one-year term as the industry representative on the Disciplinary Review Committee.

The Disciplinary Review Committee consists of three members, one representing the Board, one representing the director of the Department of Pesticide Regulation, and one licensed as a structural pest control operator.

The committee reviews appeals filed by structural pest control licensees of suspensions or fines for violations of pesticide use laws and regulations imposed by county agriculture commissioners acting as agents of the Board.

Interested licensees should write to Kelli Okuma, Assistant Registrar, Structural Pest Control Board, 1422 Howe Avenue, Suite 3, Sacramento, California 95825-3204.

The registration held by **Mitchell Hall Termite Control** (PR 2158, Branch 3) and the licenses issued to **Mitchell L. Hall** (OPR 8878, Branch 3 & FR 13489, Branch 2) of Carmichael were suspended for 15 days, placed on probation for three years, and ordered to reimburse the Board \$3,000 for the costs of this case. In a stipulation, the respondents admitted that on several occasions they had failed to file reports with the Board within five days, failed to affix inspection and/or completion stamps to these reports, and had used the same stamp number on different reports. Respondents also admitted that they had not met accepted trade standards for good and workmanlike construction, had disregarded plans or specifications in reference to repairs, had violated sections of the Uniform Building Code, and had not completed repairs within the contract price. The suspension was effective July 1, 1997.



The license issued to **William James Tocki** (FR 23479, Branch 1) of Signal Hill was revoked in a default decision for failing to use a warning agent when fumigating with Vikane, failing to secure secondary locks on all entries of the structure being fumigated, and failing to supervise during the time ventilation was commenced. The revocation was effective July 17, 1997.



The registration and branch registration held by **Nature's Way Pest Control** (PR 2213 & BR 4392, Branch 3) and the licenses issued to **Daniel Saucedo** (OPR 8824, Branch 3), **Daniel Darren Saucedo** (Junior) (FR 19766, Branch 3) and **Victor Saucedo** (FR 22227, Branch 3), all of La Puente, were revoked in a default decision. It was determined that respondents failed to report evidence of wood-destroying pests and/or organisms, failed to file reports with the Board within ten days, failed to include information regarding pesticide or pesticides to be used, and failed to provide this information to the property owner. Respondents

BOARD ACTIONS

JULY 1, 1997, TO APRIL 30, 1998

misrepresented properties to be free of active infestation or infection when they were not. Respondents also had not met acceptable trade standards for good and workmanlike construction, failed to complete repairs within contract price, failed to bring property into compliance within the written 30 days' notice provided by the Board, practiced pest control without a valid company registration, and failed to maintain the required insurance and/or bond. The revocations were effective July 30, 1997.



In the matter of **Gold Country Structural Pest Control, Inc.** (PR 2341, Branch 3) and the license issued to **Richard Allen Stikes** (OPR 6264, Branch 3) of Grass Valley, both the registration and license were suspended for 60 days and placed on probation for three years; however, a civil penalty of \$1,500 was paid in lieu of 15 days of actual suspension, requiring 45 remaining days of the suspension to be served. In the stipulation, the parties admitted they had failed to report conditions of wood-destroying pests and/or organisms, performed work which did not meet standards of good and workmanlike construction, and misrepresented that corrective work had been completed and that the property was free of active infection or infestation. The suspension was effective August 2, 1997.



The registration held by **Lance Termite Control, Inc.** (PR 1211, Branch 3) and the license held by **Leonard Geul** (OPR 8579, Branch 3) of San Mateo were suspended for seven days and put on probation for three years with the following terms and conditions: respondent shall reimburse \$4,082 to the consumer,

reimburse the Board \$2,700 for cost of this case, and complete the correspondence course with UCB. In a stipulation, respondent admitted to failing to prepare a proper written inspection report indicating evidence of wood-destroying pests and/or organisms and misrepresented that the recommended work from a

secondary report had been performed and that the property was free of evidence of active infestation and/or infection. The suspension was effective August 2, 1997.

In the same matter all charges alleged against **Mike Geul** (FR 21679, Branch 3) were dismissed.



The registration held by **Dana's Pest and Termite Control, Inc.** (PR 891, Branch 2 & 3) of Madera, the registration held by **Howard's Pest Control Corporation** (PR 645, Branch 2 & 3) of Fresno, and the license held by **Howard Merle Gatlin** (OPR 7875, Branch 3) of Fresno were suspended for ten days. However, the suspension was waived upon payment of a civil penalty of \$2,000, and respondents were put on probation for three years. Respondents are required to complete the UCB correspondence course and jointly reimburse the Board \$3,489 for costs of this case. Respondents are required to submit proof of completion of all repairs directed by the Board. In a stipulation, the respondents admitted that they had failed to report several areas of wood-destroying pests and organisms, violated several provisions of the 1991 Uniform Building Code, failed to meet standards of good and workmanlike construction, filed a notice of work completed prior to completion of repairs, and misrepresented that property was free of evidence of active infestation and/or infection when, in fact, it was not.

In the same matter, **Dana's Pest and Termite Control, Inc.** also failed to remove wood debris, eliminate earth-to-wood contacts, complete repairs and/or replacement of

(Continued on the next page)

Board Actions *(continued from previous page)*

damaged materials, and complete repairs within the contracted price. The decision was effective on August 7, 1997.



The registration held by **Rodent and Insect Detective, RID** (PR 2717, Branch 2) and the license issued to **John Christopher Atkinson** (OPR 9394, Branch 2) of Yuba City were suspended for ten days and placed on three years' probation. Respondents will also reimburse the Board \$1,533 for costs of this case and complete the UCB correspondence course. It was determined that respondents were guilty of fraudulent advertisement by using a business name on respondent's company vehicle, business cards, and flyers that was not the same as that in its company registration. The suspensions were effective August 7, 1997.



In the matter of the application for a field representative license submitted by **Patrick Lynn Keifer** of San Gabriel, an Administrative Law Judge upheld the Board's decision to deny the license application. Respondent had a history of criminal activity, and insufficient time had passed to ensure that respondent was adequately rehabilitated to protect the public's safety if he were to be granted a license. The decision was effective August 8, 1997.



The license issued to **Paul Raymond DePalma** (FR 20101, Branch 2) of Turlock was suspended for 25 days. He was also placed on probation for three years and ordered to complete the UCB correspondence course. In a stipulation, he admitted that he had advertised as a registered pest control company and contracted for or performed pest control work on his own behalf without a company registration while employed by another company. The decision was effective August 8, 1997.

In the same matter, the registration held by **Sentry Pest Control** (PR 2668, Branch 2) and the license issued to **Michael D. Wilson**

(OPR 7829, Branch 2) of Madera, were revoked, and respondent Wilson was ordered to reimburse \$1,300 to the Board for costs of this case. In a stipulated settlement, respondent Wilson admitted to aiding and abetting Paul Raymond DePalma in his unlicensed advertisement and structural pest control activity and in doing so evaded the provisions of the Structural Pest Control Act. The decision was effective August 8, 1997.



The registration and branch registration held by **So. CAL Exterminators, Inc.**, dba California West Exterminators (PR 2396 & BR 4528, Branch 3) of Norwalk and Goleta, and the license issued to **Richard Anthony Mack** (OPR 9043, Branch 3) of Norwalk were suspended for ten days. However, a civil penalty in the amount of \$1,500 was paid in lieu of seven days of the suspension, leaving respondent to serve an actual three-day suspension and complete three years of probation. The company was also ordered to pay \$1,000 restitution to the consumer and reimburse the Board \$2,500 for costs of this case. In a stipulated settlement, the respondents admitted that an inspection report on a property failed to include a recommendation for treatment of subterranean termites, even though respondents later performed such work, that a homeowner was not provided with information regarding the pesticide or pesticides to be used, construction work completed did not meet acceptable trade standards for good and workmanlike construction, and work was not completed within the contract price. Respondents also misrepresented that corrective work had been completed and that property was free of evidence of active infestation and/or infection when the work had not yet been completed. The suspensions were effective August 8, 1997.

In the same matter, the license issued to **Bill Ray Elvidge** (OPR 8748, Branch 3) of Cerritos was suspended for 30 days. He was also put on three years' probation and

required to complete the UCB correspondence course. The license issued to **Duane Mark Bushner** (FR 11610, Branch 3) of Norwalk was suspended for five days. He was put on three years' probation and required to complete the UCB correspondence course. The suspensions were effective August 8, 1997.



The registration held by **Central Cal Pest Control, Inc.** (PR 522, Branches 2 & 3) **Central Cal Pest Control, Inc., dba Oakhurst Pest Control** (PR 787, Branches 2 & 3) and the license issued to **Jonathan P. Munro** (OPR 8521, Branches 2 & 3) of Fresno were suspended for 60 days. However, a civil penalty of \$6,000 was paid in lieu of 30 days of suspension; therefore, respondents served an actual 30-day suspension and were placed on three years' probation. Munro shall complete the UCB correspondence course and reimburse the Board \$2,234 for costs of this case. In the decision, respondents admitted that in completing an inspection report, they had failed to report items of wood-destroying pests and organisms and misrepresented that all repairs were completed and that property was free of evidence of active infestation and/or infection when, in fact, repairs had not been completed. It was also noted that respondents were unable to complete repairs within the contracted price. The suspensions were effective August 10, 1997.



The company registration held by **Remadee Pest Control** (PR 2741, Branches 2 & 3) of Turlock was suspended for five days and placed on probation for three years. Respondent is required to reimburse the Board \$3,000 for costs of this case and pay restitution of \$15,195 to the consumer. In a stipulation, respondent admitted that it had failed to report infestations and/or infections which were evident in the structure and had failed to meet accepted trade standards for good and workmanlike construction in performing corrective measures. The decision was effective November 16, 1997.

Board Actions *(continued from previous page)*

In the same matter, the license issued to **Jesse Donald Boswel** (OPR 9402, Branches 2 & 3) of Turlock was revoked. In a stipulation, he admitted to failing to report areas of wood-destroying pests and/or organisms, misrepresented that repairs were completed and property was free of evidence of active infestation and/or infection, and agreed he had not met accepted standards of good and workmanlike construction. The decision was effective August 10, 1997.

The company registration held by **Ramsar Inc., dba Shamrock Exterminating Company** (PR 1506, Branches 2 & 3), and the license issued to **Robert Lee Mack** (OPR 4747, Branch 3) of Norwalk were revoked. It was determined that respondents engaged in pest control work without insurance, violated regulations regarding the application of chemical poisons, failed to remove infestation, failed to bring property into compliance within 30 days as ordered by the Board, and failed to complete repairs within the contracted price. The decision was effective August 23, 1997.

In the same matter, the license issued to **Robert Hayden Harns** (OPR 6533, Branches 2 & 3) of Norwalk was suspended for 60 days and placed on probation for three years. All three respondents were required to reimburse the Board \$4,515 for costs of this case. The effective date of this decision was August 23, 1997.

The applicator license issued to **Jorge Humberto Lepley** (RA 4807, Branch 2) of North Hollywood and Whittier was suspended for 30 days and placed on probation for three years. Respondent was also required to pay restitution of \$530 to the consumer. It was determined that respondent had operated a pest control company without an operator's license or company registration. He also applied pesticides without keeping records of such applications, did not file monthly pesticide use reports with the County Agricultural Commissioner's Office, and did not

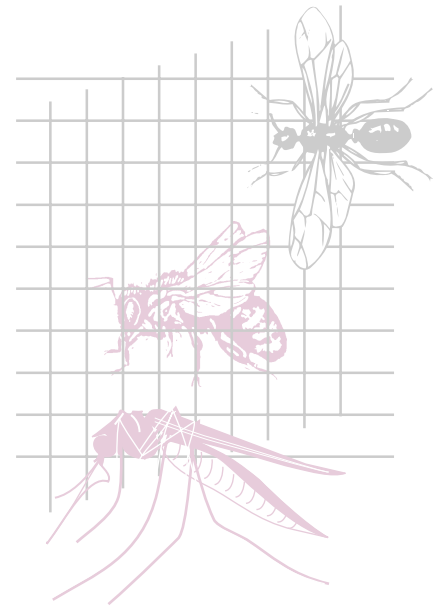
purchase or use pesticide use stamps. The suspension was effective November 6, 1997.

The company registration held by **Rapid Fire Pest Control** (PR 1703, Branches 2 & 3) and the license issued to **James Ray Ridenour, Junior** (OPR 8937, Branches 2 & 3) of Santa Rosa were suspended for 90 days and placed on probation for three years. The respondents were also ordered to reimburse the Board \$14,556 for costs of this case. It was determined that respondents failed to report areas of wood-destroying pests and organisms, failed to indicate that the inspection report was a limited report due to inaccessible areas, and failed to make recommendations regarding the inaccessible areas. They also performed Branch 3 structural pest control work without a qualifying manager, applied herbicides and pesticides without a license from the Food and Agricultural Department, failed to notify the homeowner of the chemicals being used, and failed to register chemicals or file monthly pesticide use reports with the County Agricultural Commissioner's Office. Several regulation violations were cited regarding labeling and storage of chemicals, in addition to violations governing the training of employees who handle and use pesticides. The suspensions were effective November 15, 1997.

In the same matter, following a default decision, the license issued to **George A. Davenport** (OPR 7377, Branch 3) of Oakland was revoked. The decision was effective November 15, 1997.

In a default decision, the application from **Rudolfo E. Valdez** for a field representative license was denied. It was determined that respondent had a history of criminal activity, and, in order to protect public's safety, this applicant was denied. The decision was effective November 7, 1997.

The company registration held by **Deal Termite Company** (PR 2309, Branch 3) and the license issued to



Dane Jeffrey Deal (OPR 9005, Branch 3) of Santee were suspended for 14 days and placed on three years' probation. Respondents were required to reimburse the consumer \$15,000 and reimburse the Board \$1,500 for costs of this case. Respondents admitted that they failed to report wood-destroying pests and/or organisms, failed to indicate inaccessible areas, to exterminate the pests, to file reports within five days with the Board, and misrepresented that work had been completed and property was free of evidence of active infestation and/or infection. Respondents also admitted that they had not met trade standards for good and workmanlike construction and were unable to complete the repairs within the contracted price. The suspensions were effective November 9, 1997.

In the same matter, the Branch 3 license issued to **Brion A. Deal** (FR 12922, Branch 3) of Santee was revoked. The Branch 1 & 2 license issued to Deal was suspended for seven days and placed on probation for three years. The effective date of this action was November 9, 1997.

The license issued to **Steve Casey** (FR 22269, Branch 2 & 3) of Bakersfield was revoked. In a stipulation, he

(Continued on the next page)

Board Actions *(continued from previous page)*

admitted to soliciting and performing pest control work on his own behalf without a valid license to do so while employed by a pest control company. The revocation was effective November 9, 1997.

The registration held by **Absolute Termite Control** (PR 2079, Branch 3), owned by Ronald Bates of Fountain Valley; the license issued to **William Edward Dagsher** (OPR 9318, Branch 3) of Anaheim; and the license issued to Craig Alan Ruff (FR 24097, Branch 3) of Fountain Valley were revoked in a default decision for issuing a bid and contracting for work prior to completion of an inspection report. When an inspection report was completed, respondents failed to report areas of wood-destroying pests and/or organisms, failed to file reports with the Board within ten days, failed to exterminate pests, failed to complete repairs for the contracted price, and misrepresented that repairs had been completed and that property was free of evidence of active infestation and/or infection. The decision was effective November 20, 1997.

The license issued to **Stephen Aloysius Scholl** (FR 16678, Branch 3) of Simi Valley was revoked. In a stipulation, respondent admitted that he had contracted for and performed pest control work on his own behalf without a company registration while employed by a pest control company as a field representative. Respondent also admitted that he had not met accepted standards of good and workmanlike construction. The revocation was effective November 27, 1997.

The license issued to **Richard Douglas Jones** (FR 7764, Branch 1) of Fullerton was revoked in a default decision for failing to adequately lock, barricade, or otherwise secure property from reentry after a Vikane fumigation. The revocation was effective November 29, 1997.

In the matter of the application for an unrestricted field representative license received from **James Robert Berzinski**, the Board denied the request due to a past history of criminal activity. However, respondent did demonstrate that he was rehabilitated, and a probationary field representative license was granted. The probationary period is three years, during which time respondent must file quarterly reports with the Board. This decision was effective February 25, 1998.

The Accusation filed against **Gen-Tech Inspections, Inc.** and against **Daniel Marzilli** of Oakland was dismissed effective February 25, 1998.

The registration held by **Gold Rush Termite Company** (PR 29, Branch 3) and the license issued to **Donald Gene Pannell** (OPR 5139, Branch 3) of Placerville were revoked. Respondents were ordered to reimburse the Board \$1,200 for costs of the case and are restricted from applying for a company registration or license for two years. In a stipulation, they admitted they had failed to report wood-destroying pests and/or organisms, failed to include the required roof statement on the inspection report, failed to identify pesticide or pesticides being recommended to homeowner, and failed to provide homeowner with the telephone numbers to the local poison control center and the Board in case of pesticide incident or accident. The revocation was effective February 25, 1998.

The registration held by **ABC Exterminators** (PR 2059, Branches 2 & 3) and the license issued to **Gerardo Muro** (OPR 8576, Branches 2 & 3) of El Centro were suspended for 90 days and placed on probation for three years; 60 days of this suspension were stayed. Respondents were required to complete the remaining 30 days of suspension. Respondents were also required to reimburse the

Board \$3,281 for costs of this case and provide the Board with proof that all reports are filed on time with the Board and that employees have received proper training in the handling and use of pesticides. It was determined that respondents failed to file monthly pesticide use reports, failed to properly label containers containing pesticides, failed to provide required training of pesticide use and handling to employees, and failed to provide a proper onsite changing area. They also applied pesticides prior to notification to the County Agricultural Commissioner's office and used pesticides not registered in the state of California. The suspensions were effective April 19, 1998.

In the matter of an application for a field representative license received from **Roberto Barajas**, the Board denied this application based on the respondent's history of criminal activity. This decision was effective April 19, 1998.


The registration held by **Stotelmyre Professional Pest Control** (PR 77, Branches 1, 2 & 3) and the license issued to **Lyle M. Stotelmyre** (OPR 6316, Branches 1, 2 & 3) of San Bernardino were suspended for 15 days and placed on probation for three years. Respondents were required to reimburse the Board \$5,845 for costs of this case and complete the UCB correspondence course. In a stipulation, respondents admitted they had failed to report wood-destroying pests and/or organisms, failed to report inaccessible areas and to make recommendations regarding those areas, failed to provide homeowner with copy of inspection report within ten days, and started construction prior to homeowner being given copy of report. They also misrepresented that repairs had been completed and property was free of evidence of active infestation and/or infection and falsely charged and collected for work not completed. The suspension was effective April 19, 1998.

Occupational Analysis

Branch 2 Field Representative



The Structural Pest Control Board has contracted with the Department of Consumer Affairs Office of Examination Resources to conduct occupational analyses and develop new examinations for Operators, Field Representatives, and Applicators in Branches 1, 2, and 3. The first occupational analysis to be developed is for the Branch 2 Field Representative, followed by the Branch 2 Operator and Applicator. It is anticipated that the field representative analysis will be completed by December 1998.

An occupational analysis identifies the important tasks that are currently performed by practicing licensees and the knowledge required to perform those tasks based on interviews with licensed field representatives, operators, and applicators; on workshops conducted with licensees; and on licensee questionnaires. Results of the occupational analysis will be used to update the Branch 2 licensing examinations to ensure that they reflect the important aspects of current practice. 


Are You a Pest Control Expert? WE NEED YOU!

The Structural Pest Control Board (SPCB), in a continuing effort to maintain a high quality of examination material, is looking for Subject Matter Experts (SMEs) to participate in workshops. These SMEs will define, write, and review potential examination item material. Your participation will enhance the external validity of the overall examination process. We are currently requesting applications from all interested licensees, excluding instructors.

Workshops are either one, two, or three days in length, from 8:00 to 4:30 each day. Workshops are scheduled in the downtown Sacramento area.

Airfare will be paid for participants who must fly to and from Sacramento. SMEs will be reimbursed at the government rate after the workshop for other items

such as lodging, meals, parking, mileage, and incidentals. After completion, you will submit a claim form for reimbursement of all related travel expenses. Blank travel expense forms can be faxed prior to the workshop or obtained at the workshop site. In addition to travel expenses, you will receive an honorarium of \$75.00 for each day you participate as an SME. The reimbursement process takes approximately six to eight weeks.

If you would like to participate, please complete the form below and return it to the Board as soon as possible. **Please Note:** Completion of the information form does NOT commit you to this project, nor does it guarantee you will be selected. If you have any questions regarding this process, please call Kelli Okuma at 916-263-2540. 

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Licensee's Name: _____
 Business or Employer: _____
 Address: _____
 City: _____ State: _____ ZIP: _____
 Type of Current License: _____
 Branch of Pest Control: _____
 Home Phone: _____ Work Phone: _____



Please return this information as soon as possible to:
Structural Pest Control Board
1422 Howe Avenue, Suite 3
Sacramento, CA 95825-3204



STRUCTURAL PEST CONTROL BOARD

1422 Howe Avenue, Suite 3
Sacramento, CA 95825-3204

BULK RATE
U.S. POSTAGE
PAID
Sacramento, CA
Permit No. 685

✓ *Structural Pest Control Act*

In January 1998, we revised our Structural Pest Control Act. Copies were sent to all registered companies and branch offices during mid-March. To request a copy, submit your request along with a check for \$5.00 payable to Structural Pest Control Board at 1422 Howe Avenue, Suite 3, Sacramento, CA 95825.

✓ *Reminder for Registered Companies*

When submitting your inspection and completion reports to the Board, do **NOT** include such things as stamp orders and exam applications in the same envelope. The reports are removed from the envelopes and fed through an optical scanner. Any additional documents are read as attachments and are destroyed along with the reports after scanning.

STRUCTURAL PEST CONTROL BOARD'S TOLL-FREE LINE: 800-PEST-188

Our toll-free 800 number was first established in 1994. Designed with the consumer in mind, this line gives consumers the convenience of a toll-free number to seek information, have questions answered, or register complaints regarding a pest control company or licensee. However, we can no longer transfer calls to our Licensing or Administration units. For calls regarding a licensing issue, call our Licensing Unit at 916-263-2544. Our Administration phone number is 916-263-2540.